

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-006342

07/26/2011

HON. PAMELA GATES

CLERK OF THE COURT  
V. Stevens  
Deputy

IN RE THE MARRIAGE OF  
CYNTHIA LEE THIMMESCH

TERI D MCCALL

AND

PETER ALLAN THIMMESCH

PETER ALLAN THIMMESCH  
11337 STONEHOUSE PL  
POTOMAC FALLS VA 20165

JUDGE HYATT  
DAVID WEINSTOCK  
FORENSIC COUNSELING AND  
EVALUATIONS  
8350 E RAINTREE DR SUITE 120  
SCOTTSDALE AZ 85260

MINUTE ENTRY

The Court received Respondent Peter Allan Thimmesch's Notice of Motion and Motion to Request a Change of Judge and Respondent's Affidavit in Support Thereof.

Respondent's Motion alleges, *inter alia*, that Judge Gates performed legal work for Visitalk during her employment with Bryan Cave LLP. To support his allegation, Respondent claims that Judge Gates billed work under the name "P. Frasher." Judge Gates has no recollection of performing work for Visitalk and/or Respondent. Furthermore, to Judge Gates' knowledge, her work at Bryan Cave was billed under the code "P.S. Gates." Moreover, prior to receiving Respondent's Notice of Motion and Motion to Request a Change of Judge, Judge Gates does not recall having knowledge that: 1) Visitalk and/or Respondent was a client of Bryan Cave; 2) Mark Cardwell was employed by Visitalk; or 3) Respondent was a co-defendant in a lawsuit with a former partner of Bryan Cave and/or Mr. Cardwell. Regardless, given the fact

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that Judge Gates now has knowledge of Respondent's relationship with Bryan Cave and one of her former partners,

Under Canon 3E of the Code of Judicial Conduct, "A judge shall disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned." The Court finds that, under the facts of this case, disqualification is mandatory.

The Court recuses itself from this case and transfers the case to the presiding Family Court Presiding Judge for reassignment.

Upon reassignment, the Court notes it has not ruled on Respondent Peter Allan Thimmesch's Objection to Parenting Coordinator's Report Regarding Father's Non-Compliance and Minute Entry Entered by the Court or the Parenting Coordinator Report Regarding Father's Non-Compliance dated July 7, 2011.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.